

## **Record Retention and Disposal Procedures**

### **Records Retention Schedules:**

- A. In accordance with Chapter 149 O.R.C., all records maintained at the Liquor Control Commission (Commission) are on a records retention schedule which is part of the department of administrative services (DAS) state records program. The Commission's Assistant Director shall serve as the Commission's records officer and shall obtain any required training and certification.
- B. There are currently two types of records retention schedules: an agency's records retention schedule and the DAS general schedule used by all state agencies. The Commission's records retention schedule determines the retention period for all Commission records before they can be officially destroyed. Additionally the DAS general schedule, adopted by the Commission, covers universal internal records such as payroll, OAKS reports, etc.
- C. The Commission's records retention schedule is completed by the Assistant Director or his/her designee and is given to the Executive Director for review. This schedule sets forth the length of time each record series warrants retention for administrative, legal, or fiscal purposes after it has been received or created by the Commission. (O.R.C. 149.34(B))

The Commission's records retention schedules shall be reviewed regularly for any updates necessitated by law or rule changes, or after an Auditor of State (AOS) audit report has been released, in order to identify records due for destruction or retention. Changes or modifications of the records retention schedule are sent to DAS state records management, the AOS and the state archivist/Ohio History Connection for written review and/or approval.

### **Record Retention and Disposal:**

- A. All records are to be disposed of in accordance with the Commission's record retention schedule or the DAS general schedule adopted by the Commission. For records *not* identified on the Commission's records retention schedule or the DAS General Schedules for retention or destruction:
  - 1. for the one time disposal of obsolete records in the Commission's custody that are no longer needed in the transaction of current business, the Commission shall submit to the state records program (including DAS, the AOS and the state archivist/Ohio History Connection) an application for a one time records disposal;
  - 2. for newly received or generated records, within one year after the

date of creation or receipt, the Assistant Director shall update the DAS RIMS schedule for disposition or retention of such records in the manner prescribed by applicable law and procedures.

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The state records program shall then forward the application for records disposal or transfer, or the schedule for retention or destruction, with the state records program's recommendation attached, to the AOS for review and approval. If the AOS disapproves of the action by the Commission, the AOS shall so inform the Commission through the state records program within 60 days, and the records shall not be destroyed.

At the same time, the state records program shall forward the application for records disposal or transfer, or the schedule for retention or destruction to the state archivist/Ohio History Connection for review and approval. The state archivist shall have sixty days to select for custody the state records that the state archivist determines to be of continuing historical value. Records not selected shall be disposed of in accordance with this policy. (ORC 149.333)

If the Commission does not receive notification from the state records program, the AOS or the state archivist/Ohio History Connection within the allowed time frame, destruction in the approved manner can occur.

- B. Prior to destruction of records, the Assistant Director or designee shall complete a Certificate of Records Disposal form (DAS ADM 3405) or a request for disposal memo, listing the items to be destroyed, date ranges of records to be destroyed, method of destruction, etc.

The Assistant Director reviews the form/request and the records retention schedule for that record series in order to confirm the retention schedule allows for destruction of such records. The form/request is then submitted to the Executive Director for his/her approval.

Then for each record that is proposed to be destroyed, the Assistant Director approves the destruction request by both initialing and dating the Certificate of Records Disposal form or the request memo. No record may be disposed of without an approved Certificate of Records Disposal form or request memo.

The Commission shall maintain all approved Certificates of Records Disposal forms/disposal request memos.

- C. Any records containing confidential information will be destroyed by an independent company who the Commission has contracted with for this purpose. All other records can be destroyed via their destruction method (shredding, wastepaper, recycling, etc.).

### **Certificate of Compliance:**

The Commission's Assistant Director or designee will submit an annual Certificate of Compliance to the state records administrator by December 31 of each year in accordance with DAS Directive RM-01.

### **Commission's Record Retention Schedule (as adopted July 28, 1999):**

<b>Agency Series No.</b>	<b>Record Series Title /Description</b>	<b>Retention Period</b>
CAN-01	Reg 15 cancellation orders	5years
CAN-02	Cancellation logs	5 years
CIT- 01	Decision of LCC setting forth violation charged and penalty assessed	Retain until final disposition of all legal actions and appeals
CIT-02	Citation docket outlining case number and permit holder for each citation and the hearing date	5 years or until final disposition of all legal actions and appeals of all cases listed in docket, whichever occurs last
CIT-03	Appearance docket – Index of the case no., docket no., permit holder statistics, permit type and number, synopsis of the charge for each case brought before the LCC and chronological record of the case	5 years or until final disposition of all legal actions and appeals of all cases listed in docket, whichever occurs last
CRT/APP-01	Court case files –copies of all pleadings, journal entries, dockets and paper or written exhibits, records, reports, documents and a list of non-paper evidence for each case appeals to the court of common pleas	Consolidate with all related filed into a single case file. Retain until final disposition of all legal actions and appeals and then destroy
CRT/APP-02	Copy of the court opinion issued for particular LCC case	Retain with case file until final disposition of all legal actions and appeals and then destroy
FIS- 02	Transcript invoices –invoices sent to court of common pleas upon appeal of an LCC case denoting the cost of the	Retain until audited by the Auditor of State and audit report is released then

	transcript	destroy
LCC/APP- 01	Appeal orders –determination of the LCC relative to the granting or denial of a permit	Retain with case file until disposition of all legal actions and appeals and then destroy
LCC/APP-02	Appeal docket –index of all cases appealed from the denial of a liquor permit application by the DOLC	5 years or until final disposition of all cases listed on the docket whichever occurs last then destroy
LCC/APP-03	Appeal Appearance docket- index of the case number, permit applicant statistics, permit type applied for, and number if appeal is from a renewal denial, and reason for appeal, and a chronological record of the case	5 years or until final disposition of all legal actions and appeals of all cases listed on the docket, whichever occurs last, then destroy  St. Archivist to review prior to destruction
LCC/APP-04	Rejection orders- record from the DOLC rejecting the issuance of renewal or a permit	Retain with case file until final disposition of all legal actions and appeals and then destroy
LCC/APP-05	IOC of appeals	Written notice from LCC to all affected government office relative to receipt of a notice of appeal
LCC/APP-06	Appeal packet -information submitted to the LCC for each appeal filed with LCC	Retain with case file until final disposition of all legal actions and appeals and then destroy
MIS-01	Exhibits –forms, letters and other evidence used or considered during a citation or appeal hearing	Retain with case file until final disposition of all legal actions and appeals and then destroy
MIS- 02	Semi-monthly reports containing facts and figures on the sale of liquor in Ohio	Until next subsequent report is issued or 45 days whichever occurs first, and then destroy
MIS- 03	Continue letters -request by counsel, the asst. AG or a party for a continuance of the scheduled hearing or appeal	Retain with case file until the final disposition of all legal actions and appeals, and then destroy
MIS-04	Regulations -proposed and final copies of all rules and regulations	Proposed rules for 2 years and then destroy. Retain

	promulgated through the LCC	final rule until amended, repealed, or superseded by subsequent rule and then destroy
MIS-05	Court reported sign-in sheets log indicating the times in and out for reporters used by the LCC	Retain until audited by the Auditor of the State and report is issued, then destroy
MIS-06	Transcripts of public hearings	Retain until last business day of year in which meeting was held, then sent to state archivist for determination of historical value
MIS-07	BMV correspondence-requests by LCC to have minor's license revoked due to the violation involving liquor laws	Retain with case file until final disposition of all legal actions and appeals and then destroy
MIS- 08	Min. Wine price reports	Retain until the next subsequent report is issued then destroy
MIS-09	Index cards listing the name, address, and case number of each affected permit holder discontinued in 1983	Destroy upon receipt of this approved schedule
ST-01	Sales tax order –determination by the LCC relative to suspending or revoking a permit due to delinquent tax payments to the state of Ohio	Retain with case file until final disposition of all legal actions and then destroy
ST-02	Sales Tax dismissal order -record generated by LCC dismissing pending permit revocation action against permit holder due to full payment of all delinquent taxes	Retain with case file until final disposition of all legal actions and then destroy
ST-03	Sales Tax docket- index listing the case number and permit holder for each sales tax case docketed for hearing	Retain in single volume until all cases listed on docket have exhausted all legal actions and appeal or for 5 years whichever occurs last
ST-04	Sales Tax dismissal request – notice generated by AG notifying LCC that permit holder has fully paid delinquent sales taxes	Retain with case file until the file is destroyed